

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES SHEPPARD,

Plaintiff,

ORDER

v.

14-cv-797-wmc

OFFICER SCHULTZ, *et al.*,

Defendants.

Plaintiff Charles Sheppard is presently incarcerated by the Wisconsin Department of Corrections at the Wisconsin Secure Program Facility in Boscobel. Plaintiff has filed a proposed civil action pursuant to 42 U.S.C. § 1983, and was granted leave to proceed *in forma pauperis*. Now pending before the court is plaintiff's motion for "recruitment of counsel" and plaintiff's "supplemental motion for recruitment of counsel." (Dkts. #7 and #8). The motions are denied at this time for reasons set forth briefly below.

First, plaintiff appears to be aware that civil litigants have no constitutional or statutory right to the appointment of counsel. *E.g.*, *Ray v. Wexford Health Sources, Inc.*, 706 F.3d 864, 866 (7th Cir. 2013); *Luttrell v. Nickel*, 129 F.3d 933, 936 (7th Cir. 1997). The court may exercise its discretion in determining whether to recruit counsel *pro bono* to assist an eligible plaintiff who proceeds under the federal *in forma pauperis* statute. *See* 28 U.S.C. § 1915(e)(1) ("The court may request an attorney to represent an indigent civil litigant *pro bono publico*."); *Luttrell*, 129 F.3d at 936. The court merely has the discretion to recruit a volunteer in an appropriate case. *Ray*, 706 F.3d at 867.

Second, plaintiff's request for recruitment of volunteer assistance is premature. Before this case may proceed, the court is required by the Prison Litigation Reform Act (the "PLRA") to screen the complaint and determine whether any portion is frivolous or malicious, fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who by law is immune from such relief. *See* 28 U.S.C. § 1915A(b). Because plaintiff is incarcerated the PLRA applies to his case. Until the court completes the screening process and determines whether the case may proceed, plaintiff's request for assistance in locating volunteer counsel must be denied. The court will, however, reconsider plaintiff's request for assistance *after* it has issued a screening order in this case for purposes of 28 U.S.C. § 1915A(b).

ORDER

IT IS ORDERED that plaintiff's motions for recruitment of counsel (Dkts. #7 and #8) are DENIED at this time as premature.

Entered this 23rd day of December, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge